



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: CLARK et al.

Confirmation No.: 8926

Serial No.: 10/088,910

Examiner Kim, Vickie

Filed: June 10, 2002

Art Unit 1614

For: TOPICAL SCAR TREATMENT USING A MIXTURE OF SILICONES Docket # P07572US00/BAS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R:

In response to the Restriction Requirement dated September 8, 2003, Applicants hereby traverse the Restriction Requirement for the reasons as stated below.

In the Restriction Requirement, the Examiner asserted that restriction between Group I, the method of topical scar treatment or prophylaxis, and Group II, drawn to a medical applicator and/or packaging device. Because this is a National Stage case, the Lack of Unity standards under PCT Rule 13.1 are applied, and the Examiner argued that the claimed species was not novel over the prior art. This assertion is respectfully traversed.

The present invention, such as embodied in Claim 1 and its dependent claims, relates to a method of scar treatment or prophylaxis using a medical applicator for a specific fluid polysiloxane composition, produced by the admixing of very specific fluid polysiloxane components, viz.

1-25 wt. % of a silicone gum;
1-40 wt. % of a silicone fluid having a viscosity of 10 to 60,000 mm²/s at 25°C;
1-35 wt. % of a silicone wax;
1-90 wt. % of a volatile silicone fluid having a viscosity of up to and including 5 mm²/s at 25°C;

The present polymer composition, based on the above fluid polysiloxane components, is nowhere taught or suggested in the Bara et al. reference. A mere showing of general fluid polysiloxane compositions in Bara et al. is not enough to destroy the novelty of the present *specific* fluid polysiloxane compositions.

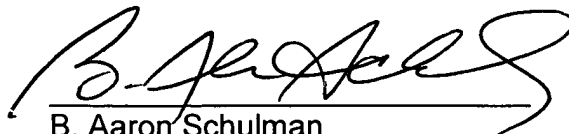
More to the point, Bara nowhere teaches one to use its different fluid polysiloxane composition in a method of scar treatment or prophylaxis using a medical applicator for a specific fluid polysiloxane. New medical applications for new fluid polysiloxane-based materials that have been found by the Applicants to possess properties that make them useful for that purpose is novel and unobvious.

Accordingly, the present invention is indeed novel and unobvious under Sections 102 and 103, respectively, and the Examiner's reasons for restriction are not proper and are respectfully traversed. Examination and allowance of the present application including all claims is thus respectfully requested.

Without prejudice to the foregoing arguments, Applicants provisionally elect Group I, claims 1-3, 5 and 7, drawn to a method of topical scar treatment or prophylaxis.

Respectfully submitted,
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